

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
FOURTH REGION**

MARINA ASSOCIATES d/b/a HARRAH'S  
MARINA HOTEL AND CASINO<sup>1</sup>

Employer

and

Case 4–RC–19894

HOTEL EMPLOYEES AND RESTAURANT  
EMPLOYEES INTERNATIONAL UNION,  
LOCAL 54, AFL–CIO<sup>2</sup>

Petitioner

**DECISION AND ORDER**

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before a hearing officer of the National Labor Relations Board; hereinafter referred to as the Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned.

Upon the entire record in this proceeding, the undersigned finds:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.
2. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein.
3. The labor organization involved claims to represent certain employees of the Employer.

---

<sup>1</sup> The Employer's name appears as amended at the hearing.

<sup>2</sup> The Petitioner's name appears as amended at the hearing.

4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.

5. The Employer, a Nevada corporation, is engaged in the operation of a gaming casino and hotel in Atlantic City, New Jersey. The Petitioner seeks to represent a unit consisting of the Employer's heavy duty cleaning specialists. The Employer asserts that the smallest appropriate unit consists of all full-time and regular part-time heavy duty cleaning specialists, casino cleaners, lead window cleaners, window cleaners and shoe shine persons. The Employer employs approximately 22 heavy cleaning specialists, 153 casino cleaners, one lead window cleaner, four window cleaners and one shoe shine person. The parties stipulated that Hotel Service Supervisors are supervisors within the meaning of Section 2(11) of the Act and should be excluded from any unit found appropriate herein.

The Employer's Environmental Services Department operates seven days per week, 24 hours a day and, with exception of kitchens and guest rooms, is responsible for the cleaning and maintenance of the interior of the Employer's hotel and casino. There are three shifts: day shift, from 8:00 a.m. to 4:00 p.m.; swing shift, from 4:00 p.m. to midnight; and graveyard shift, from midnight to 8:00 a.m.

Berk Evrensel is the manager of the Environmental Services Department. Reporting to Evrensel are seven Hotel Service Supervisors.<sup>3</sup> All Department employees report directly to the Hotel Service Supervisor on duty. On the day shift, there is generally one Hotel Service Supervisor, five to six heavy duty cleaning specialists, 25 to 30 casino cleaners, two to three window cleaners and a shoe shine person, whose shift runs into the swing shift. On the swing shift, there are three Hotel Service Supervisors,<sup>4</sup> one heavy duty cleaning specialist, 30 to 35 casino cleaners and the day shift shoe shine person. On the graveyard shift, there are eight or nine heavy duty cleaning specialists, 35 to 40 casino cleaners, one lead window cleaner and three or four window cleaners. Employees sometimes work into another shift. In addition, some employees have regular shifts that differ from the Employer's standard day, swing and graveyard shifts.

Hotel Service Supervisors have the authority to interview, hire and discharge Department employees. They assign work, prepare schedules, grant paid time off, grant employees the right to leave work early and resolve employee problems. They are required to prepare evaluations after an employee's first 90 days of employment and thereafter on an annual basis. Evaluations are used to determine merit wage increases. They exercise their supervisory authority with respect to all Department employees on a shift.

Since assuming his position in December 1999, Environmental Services Department Manager Evrensel has held regular Department meetings. In these meetings Evrensel provides information and obtains feedback from Department employees. There are also joint training

---

<sup>3</sup> One of the Hotel Service Supervisors is currently on a medical leave of absence.

<sup>4</sup> Two of the Hotel Service Supervisors work the same hours.

sessions concerning such issues as safety, which are attended by employees in all Department job classifications.

All employees employed in the Environmental Services Department wear uniforms that are unique to their job classification. They punch in at one of the two Department time clocks and are entitled to two half-hour breaks per day. All employees in the Department receive the same health benefits, retirement benefits, tuition reimbursement benefits, paid time off and are subject to the same attendance policy and code of conduct. On average, heavy duty cleaning specialists earn \$12.41 per hour, casino cleaners earn \$11.18 per hour, lead window cleaners earn \$18.95 per hour, window cleaners earn \$17.69 per hour and the shoe shine person earns \$6.56 per hour. All current heavy duty cleaning specialists were formerly casino cleaners. Three heavy duty cleaning specialists have requested and been returned to the casino cleaner position.

The Employer maintains a Board of Review, which provides employees with the right to appeal proposed or contemplated discipline. The Board of Review is comprised of a representative of the Human Resources Department, a supervisor from another department and an employee from the Environmental Services Department, all of whom are chosen by the employees. The current employee representative is a heavy duty cleaning specialist.

Employees in the Environmental Services Department use rags, pans, brooms, feather dusters, upright vacuums, pig vacuums, wet vacuums, battery operated vacuums, floor scrubbing machines, floor buffing machines, extracting machines, lifts and ladders. None of the Department's equipment requires a license or certification to operate. Newly hired casino cleaners receive on-the-job training in the use of rags, pans, brooms, feather dusters and the various vacuum cleaners. While casino cleaners become more proficient over time, they are sufficiently trained to operate this equipment within a matter of minutes. Machines used primarily by the heavy duty cleaning specialists, floor scrubbing machines, floor buffing machines and extracting machines, require more training, but employees are still ready to begin operating them with no more than 40 minutes of training. Heavy duty cleaning specialists, the lead window cleaner and other window cleaners who have received the requisite training, operate motorized lifts after four hours of mandatory training provided by an outside contractor.

Heavy duty cleaning specialists spend 25 to 30 percent of their time using floor scrubbing, floor buffing and extracting machines and 20 to 25 percent of their time on lifts cleaning the ceiling, tile walls, vents and lighting. When working on a lift, heavy duty cleaning specialists perform the same cleaning tasks with the same equipment as casino cleaners. Depending on where they are assigned, heavy duty cleaning specialists either work on a team with casino cleaners or with other heavy duty cleaning specialists. Particularly when working exclusively with other heavy duty cleaning specialists, the heavy duty cleaning specialists perform all tasks associated with the casino cleaner position. Overall, approximately 70 to 75 percent of the time, heavy duty cleaning specialists perform essentially the same duties, using the same cleaning equipment, as casino cleaners.

Board unit determinations in the hotel and motel industry are based on the same community of interest criteria used in other industries. *Stanford Park Hotel*, 287 NLRB 1291 (1988); *Omni International Hotel of Detroit*, 283 NLRB 475 (1987); *Westin Hotel*, 277 NLRB

1506, 1507–1508 (1986). In the subject case, all employees in the Environmental Services Department are commonly supervised, are paid similar wages, receive the same benefits and, except shoe shine persons, are engaged in a common task of cleaning the interior of the Employer's hotel and casino. The job duties of heavy duty cleaning specialists differ from that of casino cleaners only to the extent that they also utilize floor scrubbing machines, floor buffing machines, extracting machines and lifts. These additional duties do not involve skills indicative of traditional skilled craft status and therefore do not warrant separate representation. In these circumstances, I find that the petitioned-for unit of all heavy duty cleaning specialists is not appropriate for collective bargaining. *Harrah's Illinois Corp.*, 319 NLRB 749 (1995); *Harrah's Club*, 187 NLRB 810 (1971).

The Petitioner has expressed an unwillingness to proceed to an election in any unit other than the petitioned-for unit of heavy duty cleaning specialists. As I have found that the petitioned-for unit is inappropriate, I shall dismiss the petition.

### **ORDER**

**IT IS HEREBY ORDERED** that the petition filed herein be, and it hereby is, dismissed.

### **RIGHT TO REQUEST REVIEW**

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, Franklin Court, 1099 14th Street, N.W., Room 11613, Washington, D.C. 20570. This request must be received by the Board in Washington by March 20, 2000.

Dated March 6, 2000

at Philadelphia, PA

/s/ Dorothy L. Moore-Duncan  
**DOROTHY L. MOORE-DUNCAN**  
Regional Director, Region Four

**440-1760-1000**